



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,808	06/23/2003	Ali Emam Bakhsh	TRW(AP)6483	9845

7590 05/09/2005

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1111 LEADER BUILDING
526 SUPERIOR AVE.
Cleveland, OH 44114

EXAMINER

ENGLISH, PETER C

ART UNIT PAPER NUMBER

3616

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,808

Applicant(s)

BAKSH ET AL.

Examiner

Peter C. English

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030623.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

132, shown in Figs. 2 and 3.

130, shown in Fig. 9.

146, shown in Fig. 11B.

2. The drawings are objected to because:

In Figs. 3, and 6, “160” and “162” should be “220” and “222”, respectively. See Figs. 1 and 7A.

In Fig. 7D, the upper occurrence of “180” and its lead line should be deleted.

In Fig. 9, “30” and “72” should be “30a” and “72a”, respectively.

In Fig. 9, “80a” and “82a” should be “82a” and “80a”, respectively. See Fig. 6.

In Fig. 9, “160a” and “162a” should be “220a” and “222a”, respectively. See Figs. 1 and 7A.

In Fig. 11C, “82” should be “80c”. See Fig. 11B.

In Fig. 11C, “152” and its lead line should be deleted. See the occurrence of this reference number in Fig. 7A.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to because:

At page 33, line 2, “50” should be “50a”.

At page 38, line 6, “second panel 82c” should be “first panel 80c”.

Appropriate correction is required.

Claim Objections

5. Claims 1-10 objected to because:

In claim 1, at line 10, “a” should be “the”. See “a vehicle occupant” at line 6 and “the vehicle occupant” at line 13.

In claim 5, at lines 2, 3 and 5, “a” should be “the”. See “a vehicle” and “a roof” in claim 1, at line 2, “the roof” in claim 1, at line 9, and “the vehicle occupant” in claim 1, at line 13.

In claim 5, at line 5, “an” should be “the”. See “an instrument panel” in claim 1, at lines 2-3, and “the instrument panel” in claim 1, at line 9.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 3, 5-9, 14, 16 and 20-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, “the surface of the instrument panel facing...” (lines 1-2) and “the upper surface” (line 3) lack proper antecedent basis. The examiner suggests: at line 2, change “facing” to “presented generally toward”; at line 3, delete “upper”; and at line 4, insert “adjacent the windshield” after “panel”.

In claim 5, “the surface of [the] instrument panel of the vehicle facing...” (lines 4-5) and “the upper surface” (line 6) lack proper antecedent basis. The examiner suggests: at line 5, change “facing” to “presented generally toward”; at line 6, delete “upper”; and at line 7, insert “adjacent the windshield” after “panel”.

Claim 7 is indefinite because it contradicts previous claim 1. Claim 1 is drawn to the embodiment of Figs. 1-8C in which the first and second chambers inflate against surfaces of the

Art Unit: 3616

instrument panel (see claim 1, lines 10-16). In contrast, claim 7 is drawn to the embodiment of Fig. 9 in which the first and second chambers inflate against the steering wheel and its associated air bag.

In claim 14, at lines 2, 7 and 11, "said upper portion" is indefinite because more than one upper portion has been previously recited (see claim 11, lines 3-4 and 9-10; and claim 13, line 6). The examiner suggests: in claim 14, at lines 2, 7 and 11, insert "inflatable" before "upper".

In claim 14, "the vehicle" (line 4) and "said first lower portion" (lines 7-8) lack proper antecedent basis. The examiner suggests: at line 4, change "the" to "a"; and at lines 7-8, change "first lower portion" to "second chamber".

In claim 16, at lines 2-3, "said first and second lower portions" lacks proper antecedent basis. The examiner suggests: at lines 2-3, delete "first and second".

In claim 20, at line 5, "the vehicle" lacks proper antecedent basis. The examiner suggests: at line 5, change "the" to "a".

Claim 22 is indefinite because it contradicts previous claim 20. Claim 20 is drawn to the embodiment of Figs. 1-8C in which the first and second chambers inflate against surfaces of the instrument panel. In contrast, claim 22 is drawn to the embodiment of Fig. 9 in which the first and second chambers inflate against the steering wheel and its associated air bag.

In claim 24, at lines 2-3, "said first and second chambers" lacks proper antecedent basis. Note that the first and second chambers are introduced in claim 13.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 5, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kithil (US 5,602,734). Kithil discloses an air bag comprising: an inflatable upper portion 62; and a bifurcated lower portion including a first chamber 70 inflatable against a surface of an instrument panel facing an occupant (see Fig. 6) and a second chamber 66 inflatable against a windshield and an upper surface of the instrument panel (see Figs. 5 and 6). Although the first chamber 70 is not shown in Fig. 6 as being in contact with the surface of the instrument panel facing the occupant, it is clear from the figure that the first chamber will come into contact with this instrument panel surface when the occupant strikes the first chamber.

9. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bakhsh et al. (US 2004/0100074). Bakhsh et al. discloses an air bag 14 having a driver side portion 130 and a passenger side portion 132. As shown in Fig. 3, the passenger side portion 132 is bifurcated when inflated, having a first chamber that inflates against a surface 162 of an instrument panel 64 facing an occupant and a second chamber 66 inflatable against a windshield 50 and an upper surface 160 of the instrument panel.

The Bakhsh et al. reference has a common inventor and common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

10. Claims 11-13, 15-17, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wehner et al. (US 5,310,216). Wehner et al. discloses an air bag made from a single piece of material (see Fig. 1). The single piece of material is folded along a fold line to form first and second opposed panels (see Figs. 3 and 4). The first and second opposed panels are each folded along an additional fold line (see Figs. 5-7) to form respective upper portions 24, 28 and

Art Unit: 3616

respective lower portions that are folded over on themselves (see Figs. 5-7). The overlying folded over portions of the lower portions have side edges joined by seams 78a, 78b (see Fig. 8). The upper portions 24, 28 have side edges joined by seams 50 (see Fig. 3). Upper edges of the upper portions 24, 28 are joined by fasteners 36 (see Figs. 2 and 10). The upper portions 24, 28 form an inflatable upper portion (see Fig. 11). The folded over lower portions form first and second inflatable chambers (see Fig. 11).

11. Claims 11, 16, 17, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al. (DE 4343738). Berger et al. discloses an air bag made from a single piece of material 22 (see Fig. 2). The single piece of material is folded along a fold line 24i' (see Figs. 4 and 6) to form first and second opposed panels. The first and second opposed panels are each folded along an additional fold line 24a (see Figs. 3-6) to form respective upper portions 30 and respective lower portions 26, 28 that are folded over on themselves (see Figs. 3-6). The overlying folded over portions of the lower portions 26, 28 have side edges 32 joined by seams 34 (see Fig. 3). The upper portions 30 have side edges 38 joined by seams 39 (see Fig. 4). The upper portions 30 form an inflatable upper portion (see Figs. 1 and 3). The folded over lower portions form first and second inflatable chambers (see Figs. 1, 3 and 6).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

Art Unit: 3616

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kithil (US 5,602,734) in view of Henseler et al. (US 5,048,863). Kithil lacks a pleated portion. Henseler et al. teaches an air bag with a pleated portion 2'. From this teaching of Henseler et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kithil by providing the air bag with a pleated portion in order to reduce injuries to occupants by reducing the amount and velocity of initial expansion.

15. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kithil (US 5,602,734) in view of Bakhsh et al. (US 2004/0100074). Kithil lacks a pleated portion. Bakhsh et al. teaches an air bag with a pleated portion 150. From this teaching of Bakhsh et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kithil by providing the air bag with a pleated portion in order to reduce injuries to occupants by reducing the amount and velocity of initial expansion. Kithil also lacks a driver side portion that is not bifurcated. Bakhsh et al. teaches a driver side portion 130 that is not bifurcated. From this teaching of Bakhsh et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kithil by providing a driver side portion that is not bifurcated in order to simplify manufacture of the driver side portion.

The Bakhsh et al. reference has a common inventor and common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same

Art Unit: 3616

party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

16. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kithil (US 5,602,734). Kithil lacks an air bag that protects only a driver or a passenger (not both). The examiner takes Official notice that it is well-known to provide separate air bags for the driver and passenger. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kithil by reducing the size of the air bag such that it protects only a driver or a passenger because this reduction in size enables easier manufacture, handling and folding of the air bag. Further, a modification involving a mere change in size is generally considered to be within the level of ordinary skill in the art.

17. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehner et al. (US 5,310,216) or Berger et al. (DE 4343738) in view of Henseler et al. (US 5,048,863). Wehner et al. and Berger et al. both lack a pleated portion. Henseler et al. teaches an air bag with a pleated portion 2'. From this teaching of Henseler et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wehner et al. or Berger et al. by providing the air bag with a pleated portion in order to reduce injuries to occupants by reducing the amount and velocity of initial expansion.

Allowable Subject Matter

18. Claims 14 and 20-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

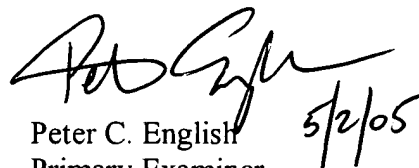
Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnett teaches an air bag with plural chambers. Sollars, Jr. teaches a pleated air bag.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 571-272-6671. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Peter C. English
Primary Examiner
Art Unit 3616
5/2/05

pe
2 May 2005